

THE CITY OF NORFOLK



To the Honorable Council
City of Norfolk, Virginia

January 11, 2022

From: Richard Broad
Director of Public Works

Subject: Encroachment into the right-of-way at 9721 17th Bay Street with a deck

Reviewed:

Ward/Superward: 5/6

Patrick Roberts, Deputy City
Manager

Approved:

Dr. Larry H. Filer II, City Manager

Item Number: C-8

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** Matthew B. Carasella
9721 17th Bay Street
Norfolk, Virginia 23518

III. **Description:**

This agenda item is an ordinance permitting Matthew B. Carasella to encroach with a stairway, a deck, and a block wall in the right of way at 9721 17th Bay Street.

IV. **Analysis:**

An encroachment is an object or structure that infringes into the City of Norfolk's (the "City's") rights-of-way or property. *Norfolk City Code*, § 42-10, requires all encroachments into the rights-of-way to be approved by City Council. The encroachment will allow Matthew B. Carasella. to formally encroach into the right of way at 9721 17th Bay Street with the corner of a deck, stairs, and an existing block wall.

V. **Financial Impact:**

General liability insurance with a limit of not less than \$500,000 each occurrence, \$1,000,000 general aggregate, that shall cover liability arising from premises and/or

operations directly associated with this encroachment and listing the City of Norfolk as an additional insured has been provided.

VI. Environmental:

There are no known environmental concerns associated with this action.

VII. Community Outreach/Notification:

Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

VIII. Board/Commission Action:

The Department of Public Works, the Department of Utilities, City Planning, Department of Transit, and the City Attorney's Office have reviewed this request for encroachment and offer no objections. Zoning approved a variance.

IX. Coordination/Outreach:

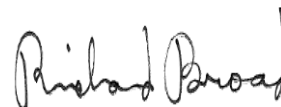
This letter and ordinance have been coordinated with Department of Public Works and the City Attorney's Office.

Supporting Material:

- Ordinance Exhibit A (PDF)
- Ordinance Exhibit B (PDF)

Form and Correctness Approved: *BAP*

Contents Approved:

By: _____
Office of the City AttorneyBy: _____
DEPT. Public Works

NORFOLK, VIRGINIA

Ordinance No.

AN ORDINANCE PERMITTING MATTHEW B. CARASELLA TO ENCROACH ONTO CITY OF NORFOLK RIGHT OF WAY AT 9721 17TH BAY STREET, WITH A STAIRWAY, A DECK AND A BLOCK WALL.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That permission is hereby granted to Matthew B. Carasella and his successors and assigns, the owner of certain property located at 9721 17th Bay Street, to encroach onto City of Norfolk right of way, with the corner of a deck, stairs and an existing block wall, as shown on the survey and the drawings attached hereto as Exhibits A and B, subject to and contingent upon the following conditions:

- (1) That this permission is granted for the private use of Matthew B. Carasella and his successors and assigns, and the encroaching structures shall not be used for commercial purpose or economic gain.
- (2) That this permission is expressly subject to the right of revocation by the Council and that in the event of such revocation, Matthew B. Carasella and his successors and assigns shall immediately remove the encroaching structures.
- (3) That upon the removal of the encroaching structures or any part thereof the authority hereby granted shall cease and terminate.
- (4) That Matthew B. Carasella and his successors and assigns, at their own cost and expense, shall take out and keep in full force and

effect public liability insurance in some company authorized to do business in the Commonwealth of Virginia, insuring it and naming the City of Norfolk as an additional insured party in the amount of at least \$300,000.00 against liability from any and all claims, actions and suits that may be asserted or brought against the City of Norfolk and/or Matthew B. Carasella and his successors and assigns, for any injury to or death of any person or persons or for any damage to or destruction of property resulting from the installation, maintenance, or existence of said encroaching structures; that evidence of such insurance shall be filed with the Risk Manager of the City of Norfolk.

Section 2:- That the failure of Matthew B. Carasella and his successors and assigns, to fully comply with all contingencies set forth herein shall operate as an automatic revocation of the permission granted hereby.

Section 3:- That the use of the said encroaching structure shall be deemed an acceptance by Matthew B. Carasella and his successors and assigns, of all conditions to which the permission herein granted is subject.

Section 4:- That this ordinance shall be in effect from and after its adoption.

ATTACHMENTS:

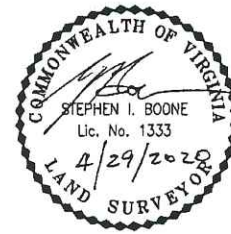
Exhibit A (1 page)

Exhibit B (1 page)

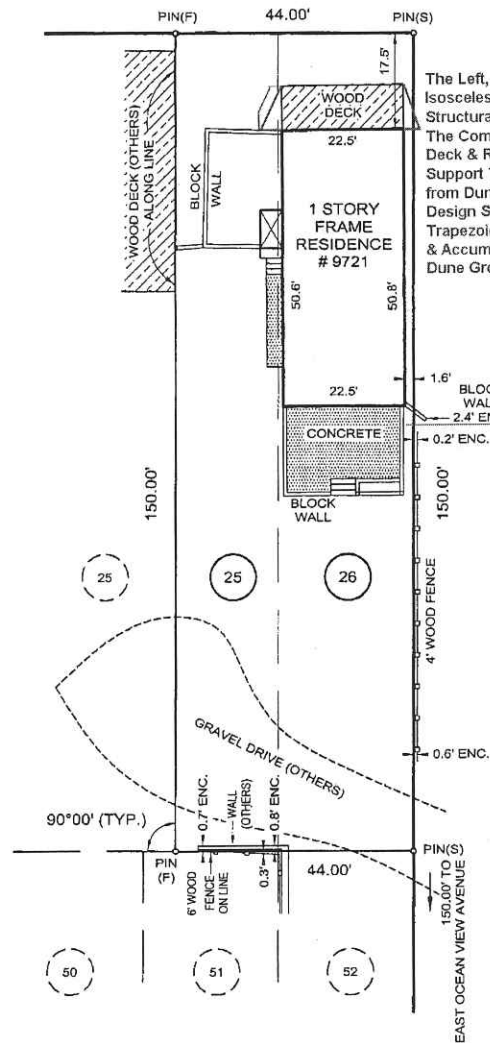
THIS IS TO CERTIFY THAT ON APRIL 27, 2020, I SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND PHYSICAL IMPROVEMENTS ARE SHOWN ON THIS PLAT. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OR VISIBLE EASEMENTS EXCEPT AS SHOWN.

THE RESIDENCE SHOWN HEREON APPEARS TO BE IN FLOOD ZONE "VE" (10.0)
FIRM MAP CITY OF NORFOLK COMMUNITY NO. 510104
MAP REVISION: FEB. 17, 2017 PANEL NO. 0037H

THIS SURVEY PERFORMED WITHOUT
THE BENEFIT OF A TITLE REPORT.



BAYSIDE AVENUE (50' R/W) (UNIMPROVED)



The Left, Right & Top Sides of the Isosceles Trapezoid Design Provides Structural Support for the 3 Sided Retaining Wall. The Complimentary Structural Support of Deck & Retaining Provides Necessary Structural Support To Withstand Shifting Earth Pressure from Dune Movement. Without a Complimentary Design Structural Integrity is Compromised. The Trapezoid Design Sustains Organic Sand Movement & Accumulation While Promoting Healthy Dune Growth.

Pre-Existing Block Retaining Wall Keeping Back Approx. 5' of Sand

*It is 64" from the House At The Widest Point

PHYSICAL SURVEY OF

9721 17TH BAY STREET, NORFOLK, VIRGINIA
LOT 26 AND THE EASTERN 19' OF LOT 25, BLOCK 2
EAST OCEAN VIEW
PLAT A, SECTION NO. 2
M.B. 4, PG. 79 (VIRGINIA BEACH)
FOR: MATTHEW CARASELLA

STEPHEN I. BOONE & ASSOCIATES, P.C.
326 LONDON STREET, PORTSMOUTH, VA 23704
(757) 393-6809

SCALE: 1" = 20'

DATE: APRIL 28, 2020

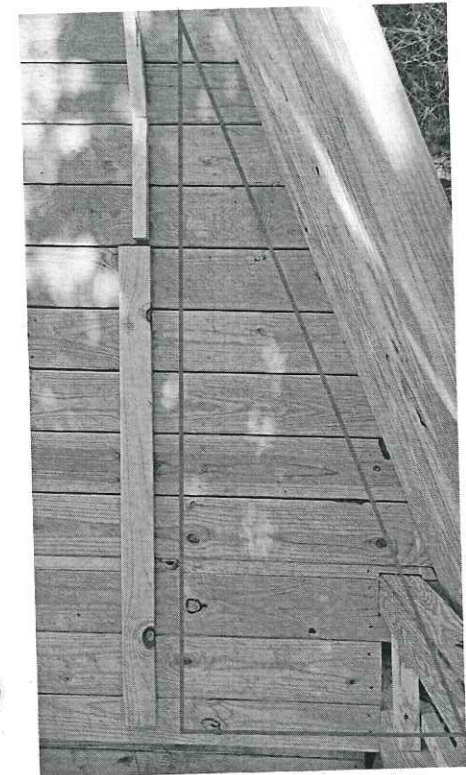
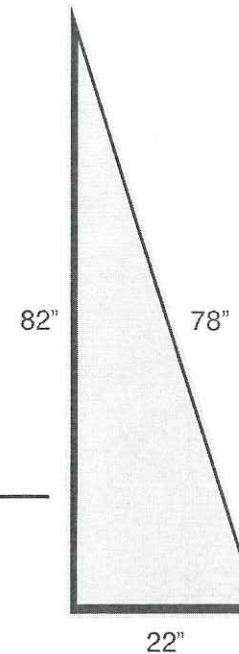
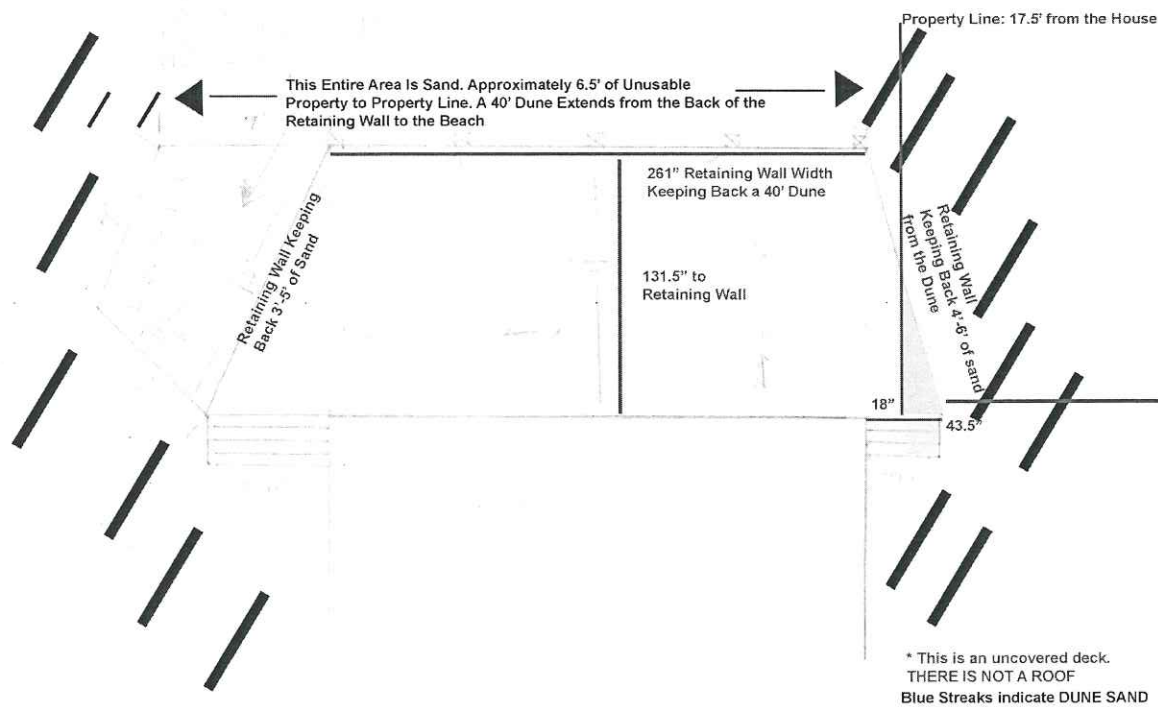
DRAFT: L.L.B.

F.B. 738, PG. 28

JOB #: 20-0186

Attachment: Ordinance Exhibit A (Encroachment into the right-of-way at 9721 17th Bay Street with a deck)

Right Corner of Deck



Best Approximation of Dimensions
on Right Corner of Deck Encroachment
(Expanded Yellow Triangle Indicates Space)

APPROXIMATELY 4.3 Square Feet

****PLEASE NOTE****

The Above Diagram has also been shared with Jeremy Sharp in the Zoning Department